

# LAND USE SERVICES DEPARTMENT



COUNTY OF SAN BERNARDINO

## ADVANCE PLANNING

385 North Arrowhead Avenue • San Bernardino, CA 92415-0182  
(909) 387-4147 Fax (909) 387-3223  
<http://www.sbcounty.gov/landuseservices>

DENA M. SMITH  
Director

November 10, 2009

Craig Hoffman, Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

RE: ABENGOA Solar Inc. MOJAVE SOLAR (09-AFC-5)  
DATA REQUEST SET 1 (nos. 1-93)

Dear Mr. Hoffman:

This letter is in response to a request from the law firm representing Abengoa Solar Inc. (Abengoa) regarding this company's Application for Certification by your agency for a 250 MW solar thermal electric generating facility (Project) on 1,765 acres in the unincorporated area of the County of San Bernardino. The Project is proposed to be located adjacent to Harper Lake just south of the existing SEGS solar thermal generation plant near Hinkley. In your letter to Abengoa you requested that they contact San Bernardino County regarding the General Plan Amendment (GPA) requirement for the Project (CEC Data Request Set 1A, Item 81).

The County Development Code Section 82.24.010(c) states "Limitations. This Chapter shall apply only to facilities under the County's land use authority. Certain types of generation and transmission facilities are regulated by state and federal agencies." Therefore, since the proposed energy facility is subject to state regulation, the facility is exempt from the County's EN Overlay process. No General Plan Amendment is required. In addition, the purpose of the overlay is to provide alternative standards relating to height and setbacks for energy facilities. The intent was not to necessitate additional time delays by requiring a GPA for renewable energy producing facilities. Because such delays have been an unintended consequence of our regulations, the County is currently reviewing alternative methods of providing increased height and reduced setbacks for such facilities. The results of this review will most likely lead to another amendment to our Code relative to the EN Overlay requirements and standards.

The County will be providing additional information to Abengoa and to you relating to possible conditions of approval to facilitate consistency with the County's General Plan and Development Code, as noted in the CEC Data Request Set 1A, Items 78-80. We anticipate responding with this information no later than November 18, 2009. The County looks forward to additional communication from the CEC.

If you have any further questions, please do not hesitate to contact me at 387-4147 or Carrie Hyke, Principal Planner at 387-4371.

Sincerely,

A handwritten signature in blue ink that reads "James M. Squire".

JAMES M. SQUIRE, AICP  
Deputy Director, Advance Planning Division

cc: Christopher T. Ellison, Ellison, Schneider & Harris LLP  
Dena Smith, Director

MARK UFFER  
County Administrative Officer

Board of Supervisors  
BRAD MITZELFELT . . . . . First District NEIL DERRY . . . . . Third District  
PAUL BIANE . . . . . Second District GARY C. OVITT, Chair . . . . . Fourth District  
JOSIE GONZALES, Vice Chair . . . . . Fifth District